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AF/2854

Docket No.: A-2528

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MAIL STOP: APPEAL BRIEF-PATENTS

By: Yonghong Chen

Date: February 28, 2005



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
Before the Board of Patent Appeals and Interferences

Applic. No. : 09/658,712 Confirmation No.: 4157
Inventor : Peter Heiler, et al.
Filed : September 11, 2000
Title : Roller for Printing Machines
TC/A.U. : 2854
Examiner : Marvin P. Crenshaw
Customer No. : 24131

Hon. Commissioner for Patents
Alexandria, VA 22313-1450

BRIEF ON APPEAL

S i r :

This is an appeal from the final rejection in the Office action dated November 16, 2004, finally rejecting claims 1-3, 5-14 and 17-22.

Appellants submit this *Brief on Appeal* in triplicate, including payment in the amount of \$500.00 to cover the fee for filing the *Brief on Appeal*.

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Real Party in Interest:

This application is assigned to Heidelberger Druckmaschinen AG of Heidelberg, Germany. The assignment will be submitted for recordation upon the termination of this appeal.

Related Appeals and Interferences:

No related appeals or interference proceedings are currently pending which would directly affect or be directly affected by or have a bearing on the Board's decision in this appeal.

Status of Claims:

Claims 1-3, 5-14 and 17-22 are rejected and are under appeal. Claims 4 and 15-16 were cancelled in an amendment dated August 17, 2004.

Status of Amendments:

No claims were amended after the final Office action. A Notice of Appeal was filed on January 6, 2005.

Summary of the Claimed Subject Matter:

The invention of the instant application relates to a rotatable body 12, 16 for a printing machine 1 (see Fig. 1). The rotatable body has a circumferential surface 28 with a surface structure 29 and is formed of nonmetallic material (see Figs. 3-7 and page 14, line 3 of the specification). The

circumferential surface carries a liquid (see page 14, lines 4-5 of the specification) and the roller is a slip roller 16 (see Fig. 2) or a doctor roller 12 (see Fig. 1). The surface structure is irregularly structured (see page 17, line 24 of the specification).

The invention of the instant application also relates to a printing machine including at least one roller with a circumferential surface provided with a surface structure and formed of a nonmetallic material (see Figs. 3-7 and page 14, line 3 of the specification). The circumferential surface carries a liquid (see page 14, lines 4-5 of the specification). The roller is a slip roller (see Fig. 2) or a doctor roller (see Fig. 1). The surface structure is irregularly structured (see page 17, line 24 of the specification).

The invention of the instant application further relates to a rotatable body for printing machines, which has a circumferential surface formed of a nonmetallic material and having a surface structure. The surface structure is a multiplicity of dimples 30b (see Fig. 5 and page 17, line 15 of the specification) formed in the circumferential surface or slats 30a (see Fig. 3 and page 16, line 12 of the specification) providing the surface structure with an

arithmetical average height of at least 12 microns (see page 14, line 12 of the specification). The circumferential surface carries a liquid and the rotatable body is a slip roller or a ductor roller.

The invention of the instant application additionally relates to a printing machine including at least one roller with a circumferential surface provided with a surface structure and formed of a nonmetallic material. The circumferential surface carries a liquid and the roller is a slip roller or a ductor roller. The surface structure is a multiplicity of dimples 30b (see Fig. 5 and page 17, line 15 of the specification) formed in the circumferential surface or slats 30a (see Fig. 3 and page 16, line 12 of the specification) providing the surface structure with an arithmetical average height of at least 12 microns (see page 14, line 12 of the specification).

References Cited:

5,027,705	Guaraldi et al.	July 2, 1991
5,813,961	Buchwald	September 29, 1998

Grounds of Rejection to be Reviewed on Appeal

1. Whether or not claims 1-3 and 10 are anticipated by Guaraldi et al. under 35 U.S.C. §102(b).

2. Whether or not claims 1-3 and 5-14 are obvious over Guaraldi et al. in view of Buchwald under 35 U.S.C. §103(a).

3. Whether or not claims 17-22 are anticipated by Buchwald under 35 U.S.C. §102(b).

Grouping of Claims:

Claims 1, 10, 17, and 20 are independent. Claims 2-3, 5-9 and 11-14 depend on 10. Claims 18-19 depend on claim 17 and claims 21-22 depend on claim 20. The patentability of claims 2-3, 5-9, 11-14, 18-19, and 21-22 are not separately argued. The patentability of claims 10 and 20 are argued with similar reasons with regard to claims 1 and 17, respectively. Therefore, claims 2-3 and 5-14 stand or fall with claim 1 and claims 18-22 stand or fall with claim 17.

Argument:

Whether or not claims 1-3 and 10 are anticipated by Guaraldi et al. under 35 U.S.C. §102(b) and whether or not claims 1-3 and 5-14 are obvious over Guaraldi et al. in view of Buchwald under 35 U.S.C. §103(a).

In the section entitled "Claim Rejections - 35 USC § 102" on page 2 of the above-mentioned Office action, claims 1-3 and 10 have been rejected as being anticipated by Guaraldi et al. under 35 U.S.C. § 102(b).

In the section entitled "Claim Rejections - 35 USC § 103" on pages 2-4 of the above-mentioned Office action, claims 1-3 and 5-14 have been rejected as being unpatentable over Guaraldi et al. in view of Buchwald under 35 U.S.C. § 103(a).

Before discussing the prior art in detail, it is believed that a brief review of the invention as claimed, would be helpful.

Claim 1 calls for, inter alia:

a circumferential surface provided with a surface structure and formed of a nonmetallic material, said circumferential surface carrying a liquid and being a roller selected from the group of rollers consisting of a slip roller and a ductor roller, said surface structure being irregularly structured.

Claim 10 calls for, inter alia:

at least one roller with a circumferential surface provided with a surface structure and formed of a nonmetallic material, said circumferential surface carrying a liquid, and said roller being selected from the group of rollers consisting of a slip roller and a ductor roller, said surface structure being irregularly structured.

There is no roller in Guaraldi et al. with a circumferential surface structure. Thus, Guaraldi et al. cannot be said to disclose or suggest a circumferential surface provided with a surface structure and formed of a nonmetallic material. It can be clearly seen from the drawings of Guaraldi et al. that the roller 16 is unstructured. A person skilled in the art

knows that there are generally two types of rollers: unstructured rollers (so-called smooth rollers, such as the roller 16 in Guaraldi et al.) and structured rollers (such as the rollers 12, 16 according to the invention of the instant application). Consequently, Guaraldi et al. also do not disclose an irregularly structured surface structure.

A combination of Guaraldi et al. and Buchwald also does not disclose that the surface structure is irregularly structured. Buchwald specifically states that the surface 20 of the roller 5 is "continuous and smooth" (see column 5, line 57 of Buchwald) and is thus unstructured. Buchwald also does not contain any hint to structure the unstructured surface of the roller according to Guaraldi et al. Buchwald does not suggest providing the roller resulting from a combination of Guaraldi et al. and Buchwald with an irregularly structured surface structure. The deformed portions 26 of the jacket 18 as shown in Fig. 4 of Buchwald are the result of water pressure (see column 7, lines 22-44), not the natural form of the jacket. Buchwald has emphasized again in column 7, lines 49-50 that the jacket 18 has a smooth and continuous exterior surface 20.

It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either show or suggest the features of claims 1 and 10. Claims 1 and

10 are, therefore, believed to be patentable over the art and since all of the dependent claims are ultimately dependent on claim 10, they are believed to be patentable as well.

Whether or not claims 17-22 are anticipated by Buchwald under 35 U.S.C. §102(b).

In the section entitled "Claim Rejections - 35 USC § 102" on pages 4-5 of the above-mentioned Office action, claims 17-22 have been rejected as being anticipated by Buchwald under 35 U.S.C. § 102(b).

Before discussing the prior art in detail, it is believed that a brief review of the invention as claimed, would be helpful.

Claim 17 calls for, inter alia:

a circumferential surface being formed of a nonmetallic material and having a surface structure selected from one of the group consisting of:

a multiplicity of dimples formed in the circumferential surface; and

slats providing the surface structure with an arithmetical average height of at least 12 microns.

Claim 20 calls for, inter alia:

the surface structure being one of the group consisting of:

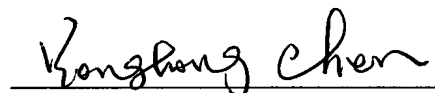
a multiplicity of dimples formed in the circumferential surface; and

slats providing the surface structure with an
arithmetical average height of at least 12 microns.

As discussed above, the roller of Buchwald has a smooth and
continuous exterior surface 20. Therefore, Buchwald does not
disclose a surface structure with dimples or slats.

In view of the foregoing, the honorable Board is therefore
respectfully urged to reverse the final rejection of the
Primary Examiner.

Respectfully submitted,



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Claims Appendix:

1. A rotatable body for printing machines, the rotatable body comprising:

a circumferential surface provided with a surface structure and formed of a nonmetallic material, said circumferential surface carrying a liquid and being a roller selected from the group of rollers consisting of a slip roller and a ductor roller, said surface structure being irregularly structured.

2. The printing machine according to claim 10, wherein said roller serves for carrying one of ink and emulsion.

3. The printing machine according to claim 10, wherein, during printing, said roller is in permanent engagement with two other rollers.

5. The printing machine according to claim 10, wherein the nonmetallic material is selected from the group of materials consisting of hard rubber and hard plastic material.

6. The printing machine according to claim 10, wherein the surface structure is made up of a multiplicity of dimples formed in the circumferential surface.

7. The printing machine according to claim 10, wherein the surface structure is formed of slats.

8. The printing machine according to claim 7, wherein an arithmetical average height of the surface structure, determined by the slats, is at least 12 microns.

9. The printing machine according to claim 6, wherein the nonmetallic material is selected from the group of materials consisting of soft rubber and soft plastic material.

10. A printing machine comprising at least one roller with a circumferential surface provided with a surface structure and formed of a nonmetallic material, said circumferential surface carrying a liquid, and said roller being selected from the group of rollers consisting of a slip roller and a ductor roller, said surface structure being irregularly structured.

11. The printing machine according to claim 10, wherein said circumferential surface carries a viscid liquid.

12. The printing machine according to claim 10, wherein said circumferential surface carries an offset printing ink.

13. The printing machine according to claim 10, wherein said circumferential surface carries a printing-ink emulsion.

14. The printing machine according to claim 10, wherein said circumferential surface carries a dampening-solution emulsion.

17. A rotatable body for printing machines, the rotatable body comprising:

a circumferential surface being formed of a nonmetallic material and having a surface structure selected from one of the group consisting of:

a multiplicity of dimples formed in the circumferential surface; and

slats providing the surface structure with an arithmetical average height of at least 12 microns; and

said circumferential surface carrying a liquid and being a roller selected from the group of rollers consisting of a slip roller and a ductor roller.

18. The rotatable body according to claim 17, wherein the nonmetallic material is a material selected from the group consisting of soft rubber, soft plastic material, hard rubber, and hard plastic material.

19. The rotatable body according to claim 17, wherein the circumferential surface carries a material selected from the group consisting of a viscid liquid, an offset printing ink, a printing-ink emulsion, and a dampening-solution emulsion.

20. A printing machine comprising at least one roller with a circumferential surface provided with a surface structure and formed of a nonmetallic material, said circumferential surface carrying a liquid, said roller being selected from the group of rollers consisting of a slip roller and a ductor roller, and the surface structure being one of the group consisting of:

a multiplicity of dimples formed in the circumferential surface; and

slats providing the surface structure with an arithmetical average height of at least 12 microns.

21. The printing machine according to claim 20, wherein the nonmetallic material is a material selected from the group consisting of soft rubber, soft plastic material, hard rubber, and hard plastic material.

22. The printing machine according to claim 20, wherein said circumferential surface carries a material selected from the group consisting of a viscid liquid, an offset printing ink, a printing-ink emulsion, and a dampening-solution emulsion.